

### **REMARKS**

Applicants hereby request further consideration of the application in view of the amendments above and the comments that follow.

#### **Status of the Claims**

The Action indicates that Claims 41-45, 48-56 and 66 are allowed. Claims 46, 47 and 57-65 stand rejected under Section 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 67 stands rejected under Section 103(a) as being unpatentable over U.S. Patent No. 4,215,198 to Gordon (Gordon) in view of U.S. Patent No. 5,094,955 to Calandra et al. (Calandra) alone or alternatively further in view of U.S. Patent No. 4,829,005 to Friedman et al. (Friedman).

#### **The Rejections under Section 112**

Claims 46, 47 and 57-65 have been amended to address the rejection under Section 112.

#### **The Rejections under Section 103**

Claim 67 has been amended to recite “an integrated filtration and detection product” in place of “an integrated filtration and detection device”. As discussed with Examiner Beisner during the telephonic interview of April 2, 2008, recitation in this manner is sufficient to render the liquid culturing medium as an element of the claim entitled to patentable weight, rather than as a mere material worked on (which forms, in part, the basis for the current rejection as set forth on page 5 of the Action). Claim 67 now recites an integrated filtration and detection product identical to that recited in allowed Claim 45. Accordingly, Applicants respectfully submit that Claim 67 is now clearly in condition for allowance.

Applicants respectfully submit that all of the pending claims are in condition for allowance. The foregoing amendments are made without prejudice to Applicants’ right to file a

continuation or continuation-in-part application directed to the subject matter of the amended claims. The claim amendments are intended for the purpose of expediting issuance of a patent directed to the subject matter of the previously indicated allowable claims and any amendments are not to be considered a representation, concession or acquiescence as to the patentability of the original claims as presented prior to the amendments.

**CONCLUSION**

Applicants respectfully submit that this application is now in condition for allowance, which action is requested. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 18, 2010.

  

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Katie Wu